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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lorraine Faxon Meisner

Serial No.: 09/997,663

Filed: November 29, 2001

For: METHOD FOR TREATMENT OF AGING OR DAMAGED SKIN

Examiner: Frank Choi

Art Group: 1616

Commissioner for Patents
Washington D.C. 20231

Dear Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Bioderm, Inc., acting through it's duly authorized attorney of record, represents that it is the owner of 100 percent of the above-identified Patent Application. In accordance with the provisions of 35 U.S.C. § 253 and Rule 321 of the United States Patent and Trademark Office, Bioderm, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,217,914, which is owned 100 percent by Bioderm, Inc., and hereby further agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,217,914 are owned. This agreement runs with any patent granted on the instant application and is to be binding on the grantee, its successors or assigns.

In making the above disclaimer, Bioderm, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156, and 173 of U.S. Patent No. 6,217,914 as presently shortened by any terminal disclaimer, in the event that it later: expires for

failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge our Deposit Account No. 07-0153 in the amount of \$55.00 for the cost of filing the Terminal Disclaimer and any additional fees that may be required, other than an Issue Fee, or credit any overpayment.

Respectfully submitted,
GARDERE WYNNE SEWELL LLP



Date: April 8, 2002

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